

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO**

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**Case Title:** Jeffery Watson Potter

**Case Number:** 05-14071

<b>Document Information</b>
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**Description:** Order on [97-1] Motion To Withdraw As special counsel for debtor .

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<b>Filer Information</b>
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**Submitted By:** Patti Hennessy

<b>If this form is attached to the document identified above, it serves as an endorsed copy of the document as it existed on the above date. To confirm that nothing has changed since then, review the docket.</b>
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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO**

In re: Jeffrey Potter,

No. 11-05-14071 MS

Debtor.

**ORDER ON MOTION FOR CONSENT TO WITHDRAW AS SPECIAL COUNSEL  
FOR DEBTOR**

THIS MATTER is before the Court on the Motion for Consent to Withdraw as Special Counsel for Debtor<sup>1</sup> (“Motion to Withdraw”) filed by The Bregman Law Firm, P.C. (Samuel H. Bregman, II). The Bregman Law Firm, P.C. seeks to withdraw as special counsel for Jeffrey Potter. Several parties filed objections to the Motion to Withdraw<sup>2</sup>, and the Court held a final hearing on the Motion to Withdraw on January 30, 2006. The Court took the matter under advisement and directed Mr. Bregman to submit an affidavit in support of his attorneys’ fees incurred in connection with his representation of Jeffrey Potter. Upon consideration of the Motion to Withdraw in light of the Affidavit as to Attorneys’ Fees, the Court FINDS:

1. On August 25, 2005, an Order Granting Debtor’s Motion to Employ The Bregman Law Firm, P.C. (Samuel H. Bregman, II) As Special Counsel (“Employment Order”) was entered. The Employment Order authorized The Bregman Law Firm, P.C. to represent the Debtor as special

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<sup>1</sup>The Motion to Withdraw was filed in the Debtor’s bankruptcy proceeding, and in Adversary Proceeding Nos. 05-1216 M, 05-1218M, and 05-1129M.

<sup>2</sup>In Adversary Proceeding No. 05-1216 M and Adversary Proceeding No. 05-1218 M, the following parties filed objections to the Motion to Withdraw: Martin S. Friedlander (Docket # 11); Thomas Bremman (Docket # 12); and Jeffrey Potter (Docket # 17). In Adversary Proceeding No. 05-1129 M, Jeffrey Potter and Martin S. Friedlander filed objections to the Motion to Withdraw.

counsel in connection with the following matters:

El Llano Company, Inc., et al v. Summit Investment Company, LLC  
Case No. CV-2003-000057, First Judicial District Court;

Valley National Bank v. Jeffrey Potter  
Case No. CV-2003-00673, First Judicial District Court;

Jeffrey Potter, et al. v. Comeau, Maldegen, Templemen & Indall, LLP  
Case No. CV-2005-00617, First Judicial District Court;

Jeffrey Potter v. Robert Engel, et al.  
Case No. CV-2003-0097, First Judicial District Court; and

Richard P. Cook v. El Llano Summit Caja Del Rio, LLC and Jeffrey Potter  
Case No. CV-2003-01251, First Judicial District Court

2. Of these five civil matters, three have been removed to the Bankruptcy Court: Valley National Bank v. Jeffrey Potter, Adv. No. 05-1216M; Richard P. Cook v. El Llano Summit Caja Del Rio, LLC and Jeffrey Potter, Adv. No. 05-1218 M; and Jeffrey Potter v. Robert Engel, et al., Adv. No. 05-1129 M.

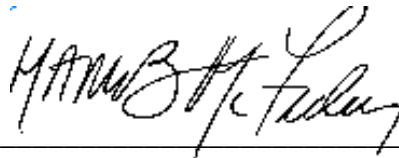
3. The Bregman Law Firm, P.C. received a retainer from Mr. Potter in the amount of \$22,500.00.

4. The Bregman Law Firm, P.C. incurred costs in the total amount of \$5,765.69 in connection with matters it was working on for Mr. Potter.

5. The Bregman Law Firm, P.C. may withdraw as special counsel for Jeffrey Potter in all matters pending before the Bankruptcy Court provided that one-half of the balance of the retainer, after deduction of costs in the amount of \$5,765.69, is remitted to the Debtor-in-Possession, Jeffrey Potter, and a release of any attorney charging lien The Bregman Law Firm, P.C., and/or Samuel H. Bregman,

II might assert in connection with his representation of Jeffrey Potter is filed with the Court.

WHEREFORE, IT IS HEREBY ORDERED that approval of the Motion to Withdraw is conditioned upon the following: 1) remittance of \$8,367.15 to the Debtor-in-Possession, Jeffrey Potter, within fifteen days of the date of entry of this order; 2) the filing of an affidavit in the bankruptcy proceeding by Samuel H. Bregman, II that such funds were remitted to the Debtor-in-Possession within that time period; and 3) the filing in the bankruptcy proceeding of a release of any claim of attorney charging lien by The Bregman Law Firm, P.C. and Samuel H. Bregman, II. Upon the filing of the affidavit and the release of claim of attorney charging lien as required by this Order, the Court will enter an Order Granting the Motion to Withdraw in this bankruptcy proceeding, and in Adversary Proceeding Nos. 05-1216 M, 05-1218 M, and 05-1129 M. If the funds are not remitted within that time frame, and/or no affidavit evidencing the remittance of funds is filed with the Court, and/or no release of any claim of attorney charging lien is filed with the Court, the Court will deny the Motion to Withdraw.



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MARK B. McFEELEY  
United States Bankruptcy Judge

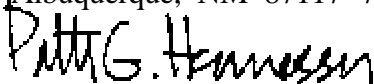
I certify that on the date shown on the attached document verification, a true and correct copy of the foregoing was either electronically transmitted, faxed, delivered or mailed to the listed counsel and/or parties.

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A handwritten signature in black ink, appearing to read "Patti G. Hennessy", is written over a horizontal line.

Patti G. Hennessy  
Law Clerk  
(505) 348-2545